

PART 1

TITLE, PURPOSE, AND JURISDICTION

§27-100. Title.

A Chapter regulating the location, height, bulk, erection, construction, alteration, razing and size of structures; the percentage of lot which may be occupied, the size of yards, courts and other open spaces; the density and distribution of population, the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities or other purposes; the protection of natural features; the protection of historic resources; and the uses of land for agriculture, water supply, conservation, soil conservation, forestry or other purposes; and providing for the administration, enforcement, and amendment of this Chapter in accordance with the provisions of "The Pennsylvania Municipalities Planning Code" as amended.

§27-101. Short Title.

This Chapter shall be known as and may be cited as "The Hulmeville Borough Zoning Ordinance of 2012."

§27-102. Purposes and Community Development Objectives.

This Chapter is enacted in accordance with the Pennsylvania Municipalities Code (Act 247 of 1968, as amended) to implement the following community objectives and purposes:

- A. Lessening the danger and congestion of traffic on the roads and highways and reducing excessive numbers of roads.
- B. Securing safety from fire, panic, flood, and other dangers.
- C. Providing adequate light and air.
- D. Controlling and regulating the growth of the area, concentrating development in areas where adequate sewage, roads and schools can be provided and limiting development in areas where these facilities are not provided.
- E. Provide standards to control the amount of open space and impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts; to protect the people's right to clean air, pure water, and the natural, scenic, historic, and aesthetic values of the environment; and to protect natural resources which are a part of the ecological system to which we are all bound, and therefore are the common property of all people, including

generations yet to come, and must be protected to insure the health, safety and welfare of all the people.

- F. Provide standards for all types of dwelling units so that all the people may have access to decent, sound, and sanitary housing; and to meet the goals of the Federal Housing Act of 1949.
- G. Promoting such distribution of population and such classification of land and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, schools, parks and other public facilities, educational opportunities, recreation, soil fertility and food supply.
- H. Protecting the tax base.
- I. Securing economy in governmental expenditures.
- J. Fostering agricultural and other industries.
- K. Encouraging the most appropriate use of land.
- L. Encouraging traditional neighborhood development as permitted in Article VII-A of the Pennsylvania Municipalities Planning Code, which permits each municipality to fix standards and conditions for traditional neighborhood development.
- M. Protecting the borough's historic buildings, historic areas, and historic resources.
- N. Giving effect to the policies and proposals of the Four Boroughs Regional Comprehensive Plan of 1975 and incorporated herein as the Comprehensive Plan required by Section 606 of the "Pennsylvania Municipalities Planning Code." In cases where the policies and proposals of the Four Boroughs Regional Comprehensive Plan conflict with the community development objectives of this Chapter, the provisions of this Chapter shall apply.

§27-103. Interpretation.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, and general welfare.

- A. Whenever any regulations made under authority of this Chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings, or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under

any other statute, the provisions of the regulations made under authority of this Chapter shall govern.

- B. Whenever the provisions of any other statute require a greater width or size of yard, courts or other open spaces, or require a greater percentage of lot left unoccupied, or impose other higher standards than are required by and regulations made under authority of this Chapter, the provisions of such statute shall govern.
- C. Whenever any regulations pertaining to a specific use or activity under authority of this Chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required for the zoning district or generally required under this Chapter, the greater standard shall govern.
- D. This Chapter does not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or impliedly repealed by this Chapter, or any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.

§27-104. Separability.

It is hereby declared to be the intent of the Borough Council that:

- A. If a court of competent jurisdiction declares any provisions of this Chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Chapter shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this Chapter to any lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

§27-105. Illustrations.

The illustrations in this Chapter are not part of the Zoning Ordinance of 2012, but are included in this Chapter for purposes of explanation and clarification only.

§27-106. Limitations.

Whenever this Chapter permits, prohibits, regulates, restricts and determines:

- A. the uses of land, watercourses and other bodies of water;
- B. the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures;
- C. the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, court yards, and other open spaces and distances to be left unoccupied by uses and structures;
- D. the density of population and intensity of use; and
- E. the protection and preservation of natural and historic resources and prime agricultural land and activities

such provisions shall be limited only to the extent that regulations of mineral extraction have heretofore been superseded and preempted by the act of May 31, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," the act of December 19, 1984 (P.L. 1093, No. 219), known as the "Noncoal Surface Mining Conservation and Reclamation Act," and the act of December 19, 1984 (P.L. 1140, No. 223), known as the "Oil and Gas Act," and to the extent that the subsidence impacts of coal extraction action are regulated by the act of April 27, 1966 (1st Sp. Sess., P.L. 31, No. 1), known as "The Bituminous Mine Subsidence and Land Conservation Act," and that regulation of activities related to commercial agricultural production would exceed the requirements imposed under the act of May 20, 1993 (P.L. 12, No. 6), known as the "Nutrient Management Act," regardless of whether any agricultural operation within the area to be affected by the Ordinance would be a concentrated animal operation as defined by the "Nutrient Management Act," the act of June 30, 1981 (P.L. 128 No. 43), known as the "Agricultural Area Security Law," or the act of June 10, 1982 (P.L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," or that regulation of other activities are preempted, but only to the extent preempted, by other Federal or State laws.

§27-107. Enactment.

This Ordinance shall be effective upon enactment.

§27-108. Repealer.

All other Borough Ordinances or parts thereof that were adopted prior to this Ordinance and are in conflict with this Ordinance are hereby repealed.